Case 2:18-cv-01310-MRH Document 1-2 Filed 10/01/18 Page 1 of 5 COMMONWEALTH OF PENNSYLVANIA WRITTEN ALLEGATION COUNTY OF BUTLER (Multiple Summaries of Offenses) Affiant Information In the Interest of: Afflant Name KEVIN MICHAEL MIKULAN 00 of Arresting Agency ZELIENOPLE BOROUGH POLICE Middle Name Address 111 WEST NEW CASTLE ST Gen, 437 E BEAVER ST Addresee City/State/ZIP city/state/ZIP: ZELIENOPLE, PA 16063 ZELIENOPLE, PA 16063 Telephone: (724)452-3003 elaphone: JUVENILE IDENTIFICATION INFORMATION Docket Number Date Filed OTN/LiveScan Number Allegation Number SID Request Lab Services? 10/08/2017 YES NO GENDER DOB Place of Birth Add'I. DOB Co-Conspirator(s) Male AKA ☐ Female First Name Middle Namo Last Name RACE White Gen. ☐ Asian ☐ Black ☐ Native American ETHNICITY ☐ Unknown ☐ Hispanic M Non-Hispanic ☐ Unknown GRY (Gray) ☐ RED (Red/Aubn) SDY (Sandy) HAIR COLOR BLU (Blue) PLE (Purple) ☐ BRO (Brown) ☐ PNK (Pink) BLK (Black) ONG (Orange) ☐ WHI (White) XXX (Unk./Bald) GRN (Green) ☐ Bin (Bionde / Strawberry) BLK (Black) BLU (Blue) BRO (Brown) EYE COLOR GRN (Green) GRY (Gray) ☐ HAZ (Hazel) MAR (Maroon) PNK (Pink) ☐ MUL (Multicolored) XXX (Unknawn) Driver License License Number Expires WEIGHT (lbs.) DNA YES IN NO DNA Location 187 FBI Number MNU Number Ft. HEIGHT in. Juvenile Fingerprinted YE\$ NO NO Fingerprint Classification 5 Juvenile Photographed 11 ☐ YES M NO PARENT / GUARDIAN INFORMATION Mother Father Name ALECIA FLOOD Mame Address MICKEY FLOOD 437 E BEAVER ST Address City/State/ZIP 437 E BEAVER ST ZELIENOPLE, PA 16063-City/State/ZIP ZELIENOPLE, PA 16063 Phone (412)417-8091 Phone (724)453-1583 ☐ Deceased Address Unknown DOB 06/21/1972 Same Address as Juvenile ☐ Deceased ☐ Address Unknown Same Address as Juvenile Guardian or Nearest Adult Relative (if parents/guardian are unknown Name Relationship to Juvenile Address Phone City/State/ZIP ☐ Deceased Address Unknown Same Address as Juvenille ARREST & DETENTION TIME Date of Arrest 100 Date & Time Admitted to Detention Time of Arrest 四天所 Location of Detention Facility 00 APPROVAL OF THE ATTORNEY FOR THE COMMONWEALTH Office of the Attorney for the Commonwealth: Approved (The District Attorney may require that the written allegation be approved by an attorney for the Commonwealth prior to submission. See Pa. R.J.C.P. Disapproved because: Name of Attorney for the Commonwealth Signature of Attorney for the Commonwealth KEVIN MICHAEL MIKULAN (Name of the Amant) 4416/39287 ZELIENOPLE BOROUGH POLICE DEPARTMENT
(Department or Againty Represented and Political Subdivision) PSP/MPOETC - Assigned Affiggs ID Number & Badge # PA0100400 1. Do hereby represent that it is in the best interest of the juvenile and the public that proceedings be brought, and that the juvenile is in-I accuse the above named Juvenile who lives at the address set forth above Builer ☐ I accuse the Juvenile whose name is unknown to me but who is described as I accuse the Juvenile whose name and popular designation are unknown to me and whom I have OCT 1 0 2017 therefore designated as John Doe or Jane Doe has committed a delinquant act by violating the penal laws of the Commonwealth of Pennsylvania at ZELIENOPLE BOROUGH - 402 E BEAVER ST ZELIENOPLE COUNTY on or about JULY 19, 2017 AT 0831 HRS. (Day, Date and Time)

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Docket Number				WRITTEN ALLEGATION
Docket Number	Date Filed 10/08/2017	OTN/LiveScan Number	Allegation	
Juvenile Name	First Time	Middle	Last	

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of like facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits 204 PA 55 213.1 - 213.7.)

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Docket Number	Date Filed 10/08/2017	OTN/LiveScan Number	Allegation Number		
Juvenile Name	First	Middle	Last	FEOGRA	

2.	I ask that a warrant of arrest be issued for the above named Juvenile.	(An affidavit of probable cause must be
	completed, sworn to before the issuing authority, and attached.)	

- $\Box$  I ask that the Juvenile be brought before the Court to answer the charges I have made.
- I verify that the facts set forth in this allegation are true and correct to the best of my knowledge or information and 3, belief. This verification is made subject to the penalties of section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
- This allegation is comprised of the preceding page(s) numbered  $\frac{1}{2}$  through  $\frac{3}{2}$ . 4.

The acts committed by the Juvenile, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes or ordinances of political subdivisions cited.

**KEVIN MICHAEL MIKULAN** 

(Name & Title of Afflant)

(Afflant's Signature)

(Date)

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## **AFFIDAVIT of PROBABLE CAUSE**

On 10/4/2017 I attended forensic interview at Butler CAC. Sue Counts conducted interview with AV. AV reporting that on the Wednesday before the Jr. Olympics (date later confirmed with AV's parents as 7/19/17) she was working at the concession stand. The stand was closed and the garage doors were shut. She was sweeping the floor at approx. 1800 hrs. when AP approached and began to fill up his water bottle and she did not think much of it. AP sprayed her shirt with a water bottle. She believes she was wearing a white shirt and shorts. AP stated that she was wet, AV in turn sprayed AP with water. As AV walked past AP smacked her butt. She again did not think much of it but he continued to spray her shirt, stating "you're wet, you're wet." AP then touched her chest area, above her shirt and she pushed his hand away. She backed up to the wall and tried changing the subject so he would get the hint and stop but he did not. He left and she continued her work. AP returned stating "you dried up really fast" and sprayed her again with water. He approached her and put his hands inside her shirt. She pulled his hand away and told him no. She moved away from him hoping he would get the hint but he did not. She walked around the table and AP walked around the table from the other direction and touched her butt. She began cleaning the soda machine and could not get one of the nozzles off. AP assisted with removing the nozzles for the soda machine. AV stated that AP kept stating "when we gonna hang?". AV told him they weren't; he placed his hands beneath her shorts touching her bare buttocks. She moved away from him and he began touching her "vaginal area" above her shorts. He attempted to put his hand inside her shorts, presumably to touch her vagina, but she moved quickly so he could not. He tried putting his hand down the front of her pants and she stated "no, no, no, no, no," AP at one point stood behind her and placed his arm around her upper chest/neck area and tried putting his hand down her shirt as she kept moving or slapping his hand. He asked AV again when they were going to hang and she stated they weren't, AP then exited to go back to the pool.

l verify that the facts set forth in this affidavit are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.

KEVIN MICHAEL MIKULAN

Afflant Name

Afflant Signature

10-8-2017

Date

LISA WEILAND LOTZ
CLERK OF COURTS
ENTERED AND FILED
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